

Remarks

A. Claims in the Case

Claims 1-10 and 12-30 are pending. Claims 1 and 10 have been amended. Claim 11 has been cancelled. Claims 21-30 are new.

B. The Claims Are Definite Pursuant to 35 U.S.C. § 112

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph for being indefinite. Applicant has amended the language of Claim 1 for clarification. Applicant submits that the claims are definite pursuant to 35 U.S.C. §112, second paragraph and respectfully requests the withdrawal of the claims on these grounds.

C. The Claims Are Not Anticipated By Juenemann Pursuant to 35 U.S.C. §102

Claims 1-6 and 8 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,257,768 granted to Juenemann et al. (hereinafter referred to as "Juenemann"). The Office Action states that Juenemann teaches each feature of the claimed invention. Applicant respectfully disagrees with these rejections.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended Claim 1 recites a combination of features that include:

wherein each of the two complementary parts comprises a body in which are disposed the at least one recess, wherein the body comprises an at least partially rigid material, wherein the radius of at least one of the recesses exceeds the exterior radius of the pipe to be held, wherein at least one of the recesses is lined with an intermediate half-shell made of elastic material, and wherein the intermediate half-shell is lined with an inner half-shell made of a rigid material, wherein the interior radius of the inner half-shell corresponds roughly to the exterior radius of the pipe, wherein the intermediate half-shell and the inner half-shell are secured to one another and to the body..

As disclosed in Applicant's specification, this combination of features advantageously results in a pipe holding device that can hold a pipe while allowing for axial sliding and vibrational damping. Applicant's specification recites:

In the device according to the invention, each pipe to be held is therefore surrounded by a rigid shell, made up of two half-shells, allowing the pipe to slide axially. An elastic sleeve, formed of two half-sleeves or half-shells, is inserted between the rigid shell and the rigid body of the device thereby damping the vibrations of the pipe. (Specification, page 2, first full paragraph).

Juenemann appears to teach a vibration damping holding device consisting of a two part holding body, with the two parts connected to each other by a hinge. The holding body taught by Juenemann is manufactured from a hard elastic material. Juenemann recites:

The holding element comprises a holding body 1 and a receiving body 2 for the pipelines 3 to be held, the receiving body being insertable into said holding body. In this arrangement, the holding body 1 is formed by two parts 4 and 5, which are hingedly connected to one another via a film hinge 9. In the present case, the holding body 1 is made of a hard-elastic material. (Juenemann, Col. 2, lines 24-30).

Juenemann appears to teach a holding body includes recesses with a soft elastic material disposed in the recesses. For example, Juenemann recites:

The receiving body 2 likewise comprises two parts each having an outer shell 10 and 11, which are made of soft-elastic material such as, for example, foam rubber or the like and can be hingedly connected to one another by a film hinge 12. Each outer shell 10 and 11 is matched in its outer region to the shape of the parts 4 and 5 of the holding body and can be inserted into these, the lower shell 10 being provided with locking lugs 13 which can be inserted and anchored in corresponding recesses 14 in the lower part 4 of the holding body 1. (Juenemann, Col. 2, lines 40-49).

The receiving body taught by Juenemann consist of two parts, each part having an outer shell and an inner holding shell coupled to the outer shell. The inner holding shell is connected to the outer shell via spring struts of a V-shape configuration. The composition and configuration of the receiving body elements contribute to the vibrational damping of the apparatus.

In its center, each of the outer shells 10 and 11 has an inner holding shell 15 and 16, these being matched to the diameter of the pipelines 3 and being connected to their associated outer shells 10 and 11, respectively, approximately in the center of the shell via spring struts 17 bent in a V shape, giving a vibration-damping effect. The spring struts are uniformly distributed around the circumference of the two inner shells 15 and 16 and bent in such a way that the vertices 18 of the bends--as seen in the axial direction--point alternately towards one side or the other of the receiving body in the axial direction of the inner shells 15, 16 and the pipelines 3. (Juenemann, Col. 2, lines 50-61).

Applicant submits that, unlike the device claimed by the Applicant, the device of Juenemann is therefore not intended to allow for the axial movement of the pipe when the device is in use. The inner shell of Juenemann is a soft elastic material. Applicant's device includes, in addition to an intermediate half-shell made of elastic material, an inner half-shell made of a rigid material. The rigid inner half-shell allows axial movement of the pipe through the holder. Applicant submits

that at least this feature, in combination with the other features of claim 1, does not appear to be taught or suggested by Juenemann.

Regarding claim 3, the Office action states:

“[T]he added limitations merely describe the process of making the device and does not further add structural limitations. The methods of making the device as described in claim 3 have not been accorded any weight in this apparatus claim.”

Applicant has amended the language of claim 3. Amended claim recites a combination of features that include:

Wherein the body and the rigid inner half-shell comprises a molded thermoplastic, and wherein the intermediate half-shell comprises an overmolded elastomer.

Applicant respectfully requests that the structural limitations of amended claim 3 accorded weight in the determination of the patentability of claim 3.

For at least these reasons, Applicant submits that Juenemann fails to teach or suggest the combined features of amended claim 1, including but limited to at least the features of wherein the recess is lined with an intermediate half-shell made of elastic material, and wherein the intermediate half-shell is lined with an inner half-shell made of a rigid material. Applicant further submits that the claims are patentable over the cited art and respectfully requests the removal of the 35 U.S.C. §102(b) rejections of the claims.

D. SUMMARY

Based on the above, Applicant submits that the claims are now in condition for allowance. Favorable reconsideration is respectfully solicited.

Applicant hereby requests a one-month extension of time for this response. Applicant encloses herewith a fee authorization in the amount of \$110.00 to cover the cost of an extension for response within first month. If any additional extension of time is required, Applicant hereby requests the appropriate extension of time. Should any other fees be required, or if any fees have been overpaid, the Commissioner is authorized to appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5310-05000/EBM

Respectfully submitted,



Mark R. DeLuca
Reg. No. 44,649

Patent Agent for Applicant(s)

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

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